

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 16, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEMARCUS HOLT,

Plaintiff,

v.

YAKIMA COUNTY
DEPARTMENT OF
CORRECTIONS and
CHIEF B. SPLAWN,

Defendants.

NO. 1:24-CV-3136-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT is the Court's Order to Comply with Filing Fee Requirements. ECF No. 6. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

On September 4, 2024, Plaintiff filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, along with an insufficient application to proceed *in forma*

1 *pauperis*. The Court attempted to advise Plaintiff of the deficiencies concerning
2 his application, but the Order was returned as undeliverable. ECF Nos. 6, 7.

3 Parties filing actions in the United States District Court are required to pay
4 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
5 payment of a filing fee only upon granting of in forma pauperis status. *See* 28
6 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
7 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
8 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
9 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
10 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
11 required filing fees).

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 This action is **DISMISSED** without prejudice for failing to pay the filing fee
14 or filing a properly completed Application to Proceed In Forma Pauperis pursuant
15 to 28 U.S.C. §§ 1914(a) and 1915(a).

16 The District Court Executive is directed to enter this Order, enter Judgment
17 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

18 **DATED** December 16, 2024.



Thomas O. Rice
THOMAS O. RICE
United States District Judge